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Senate Bill 95

By: Senators Millar of the 40th, Staton of the 18th, Shafer of the 48th and Cowsert of the 46th

## A BILL TO BE ENTITLED AN ACT

- 1 To amend Article 2 of Chapter 5 of Title 36 of the Official Code of Georgia Annotated,
- 2 relating to county governing authorities, and Code Section 21-2-139 of the Official Code of
- 3 Georgia Annotated, relating to the authorization for and conduct of nonpartisan elections, so
- 4 as to provide that, in counties that utilize a chief executive officer/county commission form
- 5 of government, all elections for the chief executive officer shall be conducted on a
- 6 nonpartisan basis; to provide for related matters; to repeal conflicting laws; and for other
- 7 purposes.

## 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.** 

- 10 Article 2 of Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to
- 11 county governing authorities, is amended by revising Code Section 36-5-23, which was
- 12 previously reserved, as follows:
- 13 "36-5-23.
- 14 Reserved Notwithstanding any local law to the contrary, in counties that utilize a chief
- executive officer/county commission form of government, the election of the chief
- 16 <u>executive officer shall be conducted on a nonpartisan basis. This Code section shall not</u>
- 17 <u>affect the term of office of any chief executive officer in office on the effective date of this</u>
- 18 Code section, but shall apply to the next election to fill such office."
- 19 SECTION 2.
- 20 Code Section 21-2-139 of the Official Code of Georgia Annotated, relating to the
- 21 authorization for and conduct of nonpartisan elections, is amended by revising subsection (a)
- 22 as follows:
- 23 "(a) Notwithstanding any other provisions of this chapter to the contrary, the General
- Assembly may provide by local Act for the election in nonpartisan elections of candidates
- 25 to fill county judicial offices, offices of local school boards, offices of chief executive

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officers of county governing authorities utilizing a chief executive officer/county commission form of government, and offices of consolidated governments which are filled by the vote of the electors of said county or political subdivision. Except as otherwise provided in this Code section, the procedures to be employed in such nonpartisan elections shall conform as nearly as practicable to the procedures governing nonpartisan elections as provided in this chapter. Except as otherwise provided in this Code section, the election procedures established by any existing local law which provides for the nonpartisan election of candidates to fill county offices shall conform to the general procedures governing nonpartisan elections as provided in this chapter, and such nonpartisan elections shall be conducted in accordance with the applicable provisions of this chapter, notwithstanding the provisions of any existing local law. For those offices for which the General Assembly, pursuant to this Code section, provided by local Act for election in nonpartisan primaries and elections, such offices shall no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan elections held and conducted in conjunction with the general primary in even-numbered years in accordance with this chapter without a prior nonpartisan primary. This Code section shall apply to all nonpartisan elections for members of consolidated governments. All nonpartisan elections for members of consolidated governments shall be governed by the provisions of this Code section and shall be considered county elections and not municipal elections for the purposes of this Code section. Nonpartisan elections for municipal offices shall be conducted on the dates provided in the municipal charter."

47 SECTION 3.

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48 All laws and parts of laws in conflict with this Act are repealed.